(c) whether some High Courts have proposed temporary appointment of ad-hoc Judges, to clear the backlog of cases;

(d) if so, whether such ad-hoc Judges were appointed; and

(e) if not, what is the rationale therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) The present system of appointment of Judges was adopted after the Supreme Court judgment of 6th October, 1993 in the case of Supreme Court Advocates on Record &Ors. *Vs.* Union of India & Ors. There is no move at present to make any change in the system where Chief Justice of India has to initiate proposal for appointment of Judges to Supreme Court and Chief Justices for appointment of Judges in their respective High Courts.

(b) Filling up of vacancies in the High Courts is a continuous, consultative process among the Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep arising on account of retirements, resignation or elevation of Judges.

(c) to (e) Request have been received in the past from Allahabad, Himachal Pradesh and Madhya Pradesh High Courts for appointment of ad-hoc Judges. As per the policy, appointment of ad-hoc Judges is considered only when all the vacancies in the High Court are filled up and still there is backlog of cases. Ad-hoc appointment of Judges is also considered in special circumstance where a particular judge is hearing a case shifting of which will adversely affect the proceedings of the case. In the case of Allahabad High Court, one Judge was appointed on ad-hoc basis after his retirement to maintain the continuity of an important case which he was hearing. The cases of Himachal Pradesh and Madhya Pradesh High Court were not found in conformity with the policy.

Reservation in judiciary

2856. SHRI AMAR SINGH:
SHRI ABU ASIM AZMI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that a few Members of Parliament have demanded for a quota in higher judicial services for candidates belonging to backward classes;

(b) if so, the details of action taken thereon; and

(c) whether it is a fact that even in lower judicial services, particularly in Delhi, no reservation has been made for OBCs in the recruitment of judicial officers and if so, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (c) Under article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court. Further, in exercise of powers conferred under proviso to article 309 read with article 233 and 234 of the Constitution, the State Government frames rules and regulations in consultation with the High Court. The members of the State Judicial Service are governed by these rules and regulations. Therefore, the service conditions, including appointment, promotion, reservations etc. of judicial officers of the District/Subordinate Courts are governed by the respective

State Governments. The Central Government is not concerned with any of the functions in this regard.

At the High Court in Supreme Court level, the appointment of the Judges of Supreme Court and High Courts are made under articles 124 and 217 of the Constitution of India respectively, which do not provide for reservation for any caste or class of persons. The Government have, however, addressed letters to the Chief Ministers of the States and the Chief Justices of the High Courts, from time to time, requesting them to locate persons from the Bar belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and amongst Women who are suitable for appointment as High Court Judges.

Increase in strength of judges

2857. SHRI AMAR SINGH:
SHRI ABU ASIM AZMI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government's attention has been drawn to a recent statement of Hon'ble Chief Justice of India to the effect that the country had only 12,000 Judges against the sanctioned strength of 14,000 and as a result there of 3.5 crores cases are pending in lower courts, 37 lakhs in High Courts and 46,000 in the Supreme Court; and

(b) if so, what action Government proposes to take to increase the strength of Judges both at the lower Judiciary and in the High Courts and by when?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) Government's attention to shortage of Judges and pendency in courts has been drawn in different fora. The Law Commission in its 120th Report recommended that the strength of judges per million population may be increased from 10.5 to 50 judges. The present judge strength in India is 14 per million population (approx.). Government has already increased the Judge strength in the High Courts by 152.

With regard to subordinate judiciary, the Supreme Court, in its judgment of 21st March, 2002, in All India Judges' Association & Ors. *Vs.* Union of India & Ors., directed that an increase in the Judge strength from the existing 10.5 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner to be determined and directed by the Union Ministry of Law. The Central Government have filed an affidavit in the Supreme Court praying that the increase in judge strength in the Union Territories for which Central Government is administratively responsible be allowed based on workload and pendency of cases. The matter is *sub-judice*.

All State Governments are also party to this case. Under article 235 of the Constitution of India, the administative control over the members of subordinate judiciary in the States vests with the concerned High Court and the State Government. Accordingly, the Central Government has requested all the State Governments for taking necessary action to increase the judge strength as per the direction of the Supreme Court and also to fill up the vacant posts of judicial officers on urgent basis.

Vacant posts and pending cases

2858. SHRI SU. THIRUNAVUKKARASAR: Will the Minister of LAW AND JUSTICE be pleased to state: